IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

APPEAL FROM ORDER NO.1007 OF 2005
WITH
CIVIL APPLICATION NO.1308 OF 2005

Ramchandra Kawarbhan Chhabra. ...Appellant.
Vs.
Jaywant Jagannath Patil & Ors. ...Respondents.
....
Mr. Anil R. Mishra for the Appellant.
Dr. Virendra Tulzapurkar, Senior Advocate with Mr. N. G. Chhatre for Respondent No.1.
.....

CORAM : DR. D.Y. CHANDRACHUD, J.

November 28, 2005.

P.C.:

Counsel appearing on behalf of the Appellant and the First Respondent are agreed that the Court need not indicate any reasons and that the following order may be passed:

-(1) Respondent No.1 shall during the pendency of the trial of L. C. Suit No.2445 of 2002 before the City Civil Court keep one tenement on the ground floor admeasuring approximately 450 sq.ft. vacant which shall abide by the final order of the City Civil Court in the suit. It has been stated on behalf of the Second Defendant that the aforesaid Gala was kept vacant in terms of an undertaking

tendered before the Trial Court pending disposal of the Notice of Motion and save and except the aforesaid Gala, all the other tenements have been disposed of. The aforesaid Gala shall not be transferred or disposed of during the pendency of the suit before the City Civil Court.

-(2) The Learned Trial Judge to set down a schedule for the early disposal of the suit.

-(3) The impugned order dated 23rd September 2005 is quashed and set aside. The Learned Trial Judge shall dispose of the suit expeditiously and shall not regard the present order as an expression of opinion on the merits of the rival contentions which shall be considered at the trial of the suit.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.

....